

/ Village Panchayat Secretaries in the
Western Maharashtra ----
Counting of past service for the
purpose of pension....

2006/12912383100/

GOVERNMENT OF MAHARASHTRA

Rural Development Department,

Resolution No. GSM.1770/9718/4.II,

Santhivlaya, Bombay-32. 7th April, 1971.

RESOLUTION:

The terms and conditions of service of the Village Panchayat Secretaries in Western Maharashtra (Bombay and Poona Divisions) changed on several occasions with the amendment of Law governing the working of the Village Panchayats with the result that some of the Village Panchayat Secretaries, though have put in a very long service as full time and common Village Panchayat Secretaries, are not entitled to pensionary benefits for the reason that service rendered by them prior to 1st June 1959 has not been allowed to count for pension, vide Government letter, Rural Development Department No. GSM.1166/35566-4.II, dated the 19th October 1967.

2. At present the Village Panchayat Secretaries are working on deputation to the Zilla Parishads with the designation as Assistant Gram Sevaks pending their final allotment to the Zilla Parishads in accordance with the provisions contained in Section 242 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. There is demand from some of the retired Village Panchayat Secretaries as well as the Village Panchayat Secretaries who are to retire hereafter requesting Government that the service rendered by them prior to 1st June 1959 should be allowed to count for the purpose of pension, gratuity etc. Government has since re-examined the matter. It has transpired that under the Government Notification, General Department No. S-174(10), dated the 8th November 1941 Government had delegated to the Collectors the powers to make rules, not inconsistent with the rules made by Government prescribing the remuneration and conditions of service rules. The rules framed by the Collector of Ratnagiri provided for payment of gratuity to the Village Panchayat Secretaries for the service rendered. Similar rules might have been framed by the Collectors of other Districts in Bombay and Poona Divisions also. During the period between 1939-40 and 1947, the Village Panchayat Secretaries were entitled to the gratuity. In connection with the service rendered between the period 1947-48/xx 31st May 1959, Government had then sanctioned the Bombay Village Panchayats Provident Fund Rules, 1951 vide Government Notification, Local Self Government and Public Health Department No. S-174(11), dated the 23rd June 1951. These rules provided the Contributory Provident Fund Scheme for the benefit of the Village Panchayat Secretaries. From 1st June 1959 the Village Panchayat Secretaries have become Government servants and are, therefore, eligible for the benefit of leave, pension etc. as are normally admissible to Government servants.

Government has given considerable thought to this question and has decided that instead of allowing two kinds of retirement benefits for two spells of service prior to June 1959 and thereafter to the Village Panchayat Secretaries, it would be reasonable to count their entire service as one spell under the provision of Bombay Civil Service Rule 248 and allow them the pension benefits subject to the refund of gratuity of Contributory Provident Fund benefits, if drawn for earlier periods. Accordingly, Government is pleased to direct that the service rendered by such Village Panchayat Secretaries prior to the 1st June, 1959 should be allowed to count for the purpose of pension and gratuity subject to the following conditions :-

- i) That they agree to refund to Government the amount of gratuity, employer's contribution with interest in the Contributory Provident Fund account etc. received by them, if any, for the service rendered as Village Panchayat Secretaries prior to 1st June 1959.
- ii) The benefit of pension should be allowed to such Village Panchayat Secretaries who were/are already in Government service with effect from 1st June 1959 and the Revised Pension Rules, 1950, as amended from time to time (including Family Pension Scheme, 1964), were applicable to them by virtue of their being Government servants.
3. The breaks in service, if any, in case of Village Panchayat Secretaries will be ignored only if such breaks are condonable under the normal provisions of the Bombay Civil Service Rules and general orders of Government in that behalf.
4. The Village Panchayat Secretaries who have either retired on or after 1st May 1962 or may be due to retire hereafter shall only be entitled to the aforesaid benefits. All the Village Panchayat Secretaries concerned should be given option either to retain the benefits already drawn by them or to let the service prior to 1st June 1959 rendered by them admitted for the purpose of pension subject to the conditions mentioned above. They should be asked to exercise the option in writing within a period of six months from the date of issue of these orders. The option once exercised shall be final.
5. The Chief Executive Officers of the Zilla Parishads

4. This Government Resolution issues with the concurrence of Finance Department vide its Un Official Reference No. CR-1303/77-SER-4 dated 17th August 1977.

By order and in the name of the Governor of
Maharashtra, *(Signature)*
(M.T. Govt. Order)
Under Secretary to Government.

To

Commissioners of Bombay and Pune Divisions,

All Collectors in Bombay and Pune Divisions,

All Chief Executive Officers of Zilla Parishad in Bombay and Pune Divisions,

Finance Department(SER 4),

Finance Department(EXP.18),

Select File Desk XI, Rural Development Department.

mmp. 20.9.

(Signature)
Dy. Chief Executive Officer (S)
Rural Development Department